

D I C K S T E I N   S H A P I R O   M O R I N   &   O S H I N S K Y   L L P

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 420-3631

E-Mail Address: KerstingA@dicksteinshapiro.com

June 29, 2006

**By Hand & ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
c/o 236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, D.C. 20002  
Attn: Video Division, Media Bureau

Re: Request for Waiver  
KFYR-DT, Bismarck, North Dakota (Facility ID 41427)  
MB Docket No. 03-15

Dear Ms. Dortch:

North Dakota Television License Sub, L.L.C. ("NDTV"), permittee of digital television station KFYR-DT, Bismarck, North Dakota, hereby requests a waiver of the July 1, 2006 "use-it-or-lose-it" deadline and its certification that it would construct digital facilities that fully replicate the April 1997 NTSC Grade B service area for KFYR-TV (sometimes referred to hereinafter as the "Station").

The existing construction permit for KFYR-DT (File No. BPCDT-19991015AAX) (the "CP") was acquired by the former licensee of KFYR-TV, who intended to construct the Station's digital facility at minimal cost. The CP authorizes a technical facility that would reduce the coverage currently provided by KFYR-TV's Grade B contour by over 11%. As a result, NDTV has filed an application (File No. BMPCDT-20060629AES) (the "Application") to modify KFYR-DT's existing CP to enable the Station to expand its coverage area. Specifically, the Application proposes to increase the effective radiated power from 107 kW to 500 kW and increase the antenna height above average terrain from 269 meters to 389 meters. The proposed technical facilities will enable KFYR-DT to provide a digital signal that is comparable to those of the other DTV stations in the Minot-Bismarck-Dickinson DMA, and thereby enable the Station to maintain its competitive posture after the digital transition.

On November 5, 2004, NDTV filed a Form 381 Pre-Election Certification in which it certified, *inter alia*, that it would operate KFYR-DT based on its allotted replication facilities. See File No. BCERT-20041105AYF. That certification was premised on an expectation that NDTV could file an application to modify KFYR-DT's CP to replicate the Station's DTV allotment.

However, on August 4, 2004, the FCC issued a public notice, "*Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes*," 19 FCC Rcd 14810 (Med. Bur. 2004), in which it announced that it no longer would accept television modification applications that proposed to increase a station's service area as defined in, *inter alia*, its "(2) Commission authorizations (license and/or construction permit) . . . ." That freeze continues to remain in effect. Thus, NDTV was in the unenviable position of certifying that it would construct replication facilities, but possessing an authorization for KFYZ-DT (obtained by the prior licensee) which authorized it to construct a DTV facility that would not, in fact, replicate the Station's DTV allotment.

NDTV deferred filing the Application because of the above "freeze" in the hope that the freeze would be lifted. After consultation with the FCC staff, however, it was decided to file the Application before the freeze has been lifted. In any event, the Application will not be granted until after July 1, 2006, and, therefore, this request has been made necessary because NDTV will not have completed construction of KFYZ-DT's digital facilities by the deadline date.

On January 14, 2004, NDTV obtained a Special Temporary Authorization (File No. BDSTA-20031223AES) (the "STA") to operate KFYZ-DT with lower powered facilities than those authorized in the Station's CP. The STA facilities currently serve approximately 101,925 people within the STA's 41 dBu contour out of the 121,420 persons who are predicted to receive service from the Station's allotted replication facilities. KFYZ-DT's STA facility therefore is serving approximately 84% of the population who would be served by the Station's certified replication facilities.

The facilities proposed in the Application will serve only approximately 5,300 fewer people than KFYZ-DT's allotted replication facilities. As demonstrated in KFYZ-DT's Application, Exhibit 4, the proposed new digital facility will serve approximately 116,663 people, or nearly 94% of the Station's replication facilities. Moreover, many, if not most, of those 5,300 people receive KFYZ-TV's existing analog signal via cable or DBS.

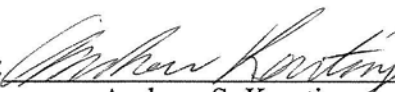
For the reasons stated herein, NDTV requests a waiver of the July 1, 2006 "use-it-or-lose-it" deadline and its pre-election certification that it would construct digital facilities that fully replicate KFYZ-TV's April 1997 NTSC Grade B service area.

Marlene H. Dortch  
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Very truly yours,

DICKSTEIN SHAPIRO LLP  
1825 Eye Street, NW  
Washington, DC 20006-5403  
Tele: (202) 420-2200  
Email: KerstingA@dicksteinshapiro.com

Attorneys for  
North Dakota Television License Sub, L.L.C.

By:   
Andrew S. Kersting

cc: Shaun Maher, Esq. (FCC) (by email)